

OCT 19 2006

Patent Application
Attorney Docket No.: 72167.000165**REMARKS**

The Office Action dated June 19, 2006, has been received and carefully considered. New claim 67 has been added. It is believed that the following remarks place the application in immediate condition for allowance. Accordingly, favorable consideration of the application is respectfully requested.

I. THE OBVIOUSNESS REJECTION OF CLAIMS 1-65

On page 2 of the Office Action, claims 1-65¹ were rejected under 35 U.S.C. § 103(a) as being unpatentable over Atkins (U.S. Patent No. 5,644,727) in view of Phillip, Storms, "Using Mortgage Credit to Achieve Client Objectives" and Lending Tree. This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Regarding claim 1, the Examiner asserts that Atkins discloses the step of "receiving credit data from the user terminal, the credit data including a user objective and a credit profile, wherein the credit profile comprises at least one particular of any number of financial products

¹ Applicant respectfully submits that the Examiner has not examined pending claim 66 which was added in Applicant previous response.

held by the user.” In particular, the Examiner alleges that Atkins discloses a system and method for analyzing a customer’s inputted credit profile and determines at least one credit financing opportunity based on the credit data and at least one credit financing opportunity based on the credit data and at least one predetermined decision rule, wherein at least one credit financing opportunity comprises any number of financial products that meet the user objective.

Applicants respectfully submit, however, that Atkins does not teach or suggest the specific step of “receiving credit data from the user terminal, the credit data including a user objective and a credit profile, wherein the credit profile comprises at least one particular of any number of financial products held by the user.” In particular, Applicant respectfully submits that there is no teach or suggestion in Atkins of a “credit profile” that “comprises at least one particular of any number of financial products held by the user, as expressly set forth in independent claim 1. Rather, the excerpts cited by the Examiner as allegedly disclosing this claim limitation – the Abstract of Atkins and Col. 7, lines 30-45 – merely state that client provides financial objectives, risk preference, and budgetary constraints:

A practical communication and computer based system and method for effecting exchange, investment and borrowing involves the use of digital communication and computation terminals distributed to users and service providers. Through the system described and its combined computer and communication terminals, client/customers may purchase goods and services, save, invest, track bonuses and rebates and effect enhanced personal financial analysis, planning, management and record keeping with less effort and increased convenience. Through a prioritization function, the client specifies her financial objectives, her risk preference, and budgetary constraints. The prioritization function automatically suggests to the individual a portfolio of asset and liability accounts that may be credited and/or debited to provide the required funds for consumption and to form investments and borrowing to best realize her financial objectives over a defined time horizon. If desired, the system automatically manages a client’s budgetary and financial affairs through a system of expert sweeps based on a client’s preferences. The client’s accounts are monitored via a borrowing power baseline, and considered imbalanced if the client’s borrowing power is less than the minimum borrowing power. If the account is imbalanced, the client may reallocate the assets and liabilities within the client account and/or

modify a set of constraints on the client account. If the client account is still not balanced after modification of the account, the system will deny authorization for certain requested transactions, and may initiate the liquidation of certain asset accounts and reduce the balances of one or more liability accounts.

See Atkins, Abstract (emphasis added).

Applicant respectfully submits that a financial objective, risk preference and budgetary constraints is not the same as a "credit profile compris[ing] at least one particular of any number of financial products held by the user," as required by independent claim 1. In fact, Applicant respectfully submits that there is no feature or functionality in Atkins that even remotely comprises a "credit profile," much less a credit profile comprising at least one particular of any number of financial products held by the user." There is not disclosure in Atkins where a consumer provides any data or information that comprises at least one particular of a financial product held by the user.

Further, Applicant respectfully submits that the Office Action fails to set forth a proper motivation or suggestion to modify Atkins to incorporate the teachings of Philip Storms. The Office Action merely states that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings provided by Philip Storms into the system of Atkins in order to provide users or consumers with an instant glance of a result of their financial objective thus making the system more user friendly." Applicants respectfully submit, however, that Atkins relates to system for the operation and management of one or more accounts for exchange, investment and borrowing and thus would not benefit from incorporating Philip Storms' general concept of using mortgage debt to replace consumer debt. Accordingly, Applicants respectfully submit that claim 1 is allowable over the cited references.

Applicant respectfully submits that each of independent claims 20, 39, 58 and 60 are allowable at least for the reasons set forth above.

Claims 2-19, 21-38, 40-57, 59 and 61-66 are dependent upon independent claim 1, 20, 39, 58 or 60. Thus, since independent claim 1, 20, 39, 58 and 60 should be allowable as discussed above, claims 2-19, 21-38, 40-57, 59 and 61-66 should also be allowable at least by virtue of their dependency on independent claim 1, 20, 39, 58 or 60. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claim 66 recites the method of claim 1 wherein the user objective comprises at least one of obtain a lower interest rate, obtain lower payments, obtain credit, or any other objective. Applicants respectfully submit that neither Atkins nor Philip Storms — alone or in combination — teach or suggest the method of claim 1 wherein the user objective comprises at least one of obtain a lower interest rate, obtain lower payments, obtain credit, or any other objective.

Further, Applicant respectfully submits that the rejections of claims 12, 14-17, 18, 19, 33-38, 53-57 are deficient because the Examiner does not provide a reference that teaches the purportedly missing limitations and does not provide a proper motivation. For example, regarding claims 14, 33 and 53, the Examiner alleges that it is not explicitly stated in the combination of Atkins and Storms that the credit opportunity is considered viable if it is determined in the determining act that the user will save at least a predetermined amount of money during a predetermined time period. However, without citing a reference or motivation, the Examiner summarily concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to consider the user saving a predetermined amount of money during a predetermined time period in the combination therein in order to provide an attractive system that will offer many advantages and benefits to the consumers or borrowers. Applicant respectfully submits that the Examiner has failed to set forth a proper *prima facie*

OCT 19 2006

Patent Application
Attorney Docket No.: 72167.000165

rejection based on obviousness and requests that it be withdrawn. The rejection of claims 12, 15-17, 18, 19, 34-38, 54-57 are similarly deficient and must also be withdrawn.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-65 be withdrawn.

II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

By:


Ozzie A. Farres
Registration No. 43,606

Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201
Date: October 19, 2006